Quid Novi

VOL. II NO. 11 McGILL UNIVERSITY FACULTY OF LAW NOVEMBER 19, 1981

Law students vote: "walkout"...

BY DAN GOGEK

In a rather emotional meeting of the General Assembly of the Law Undergraduate Society (L.U.S.) last week, law students voted strongly 140-21 (with 14 abstentions) in favour of walking out of classes and joining the protest against cutbacks this Friday, November 20.

L.U.S. President Campbell Stuart opened the meeting with some remarks about the seriousness and severity of projected cutbacks within the faculty. He cited coming cuts totalling $138,000, restrictions and possible elimination of french sections which would push McGill toward unilingualism, and shortened library hours.

Vice-president for External Affairs, Paul Smith, then outlined the likely effect of cutbacks across the university. According to the current projections, in three years the overall McGill University Budget will have been chiseled down 20% from its present level. Smith explained that the Day of Protest on Nov. 20 will begin with speakers at 10 and 11 in the Student Union Building. Study Sessions in other faculties may also take place at these times. At 12:30 a funeral procession will travel from the Student Union building to the Roddick Gates where students will "bury" services, staff, and materials lost, to cuts. At 2:00 students will march to Lévesque's offices at Hydro Quebec. Smith also noted that the Université de Montréal and Concordia University had agreed to participate.

When the motion to walk out was called, immediate objections came from some students believing that cutbacks were inevitable and that a demonstration was a misuse of student resources.

Law student Ted Claxton, familiar with the inner functioning of the Conseil des Universitiés, emphasized that the question is not merely whether the government should cut back on expenditures, rather, it all comes down to a question of priorities. One might agree that fiscal restraint is needed. But many of the government's current allocations are in highly subsidized unprofitable operations such as SOQUIP, a $100 million oil-drilling project in Quebec, likely to locate little or no oil, and SIDBEC, an uncompetitive government-subsidized steel operation.

The strategy then, it was contended, should be to demonstrate clearly that students disagree with the priorities as established. If political support can be generated by a successful demonstration, there would be a strong chance that enough pressure might be created to convince the government that a reshuffling of budget strategies is in order.

After the vote to walk out carried easily, L.U.S. students also voted 152-12 (with 11 abstentions) to request their professors to cancel classes on Nov. 20 to show their solidarity with the students. To the surprise of many, Faculty members at their own meeting some few hours later agreed with this motion and decided to reschedule the classes.

As the day of protest approaches, many students must be hoping that the wave of optimism has not obscured a well-known fact about demonstrations: if the turnout is great, the demo may be successful; if the turnout is only 'good', the demonstration usually fails.

... WITH FACULTY SUPPORT

BY CELIA RHEA

Last Thursday Faculty Council voted to support the student protest against cutbacks by rescheduling classes on Friday, November 20.

The motion before Council was proposed by Campbell Stuart after he received overwhelming support to do so at a General Assembly earlier in the day. The motion read:

"Be it moved that Faculty members be requested to show solidarity with the students on the issue of cutbacks by cancelling classes on the day and joining the protest."

Before the vote on the motion Council voted 9-8 to amend it by deleting the words "and joining the protest". Most professors agreed with Professor Jobin that a form of protest such as "burning Premier Lévesque in effigy" might be acceptable for students but it is inappropriate for professors. Others however, such as Professor Grey, argued that if the Faculty was go-

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National Program's Identity Crisis

BY RICHARD JANDA

"Last winter, after 13 years of life, McGill's National Program had its Bar Mitztvah. Now, a year later, it's going through something of an identity crisis." That was Associate Dean Macdonald's description of the "re-evaluation" the National Program is now under-going at the school. Forum National invited him to speak on Monday about the kinds of possible changes to the Program.

Macdonald suggested that a true National Program should give all students "a substantial bath in the legal traditions of civil law and common law and keep them sufficiently challenged throughout their careers." A possible means of achieving these objectives could be as follows. As is presently the case, students could take only national courses and B.C.L. or LL.B. courses in their first year. In second year, they could take more national courses and first year courses in the other legal system. Furthermore, for example, the second year Contracts course for B.C.L. students could be taught in a section separate from the LL.B. first year section. Thus, it would not repeat the overlapping introductory material. After the first two years, students could choose to go on and finish the degree program they began in or could choose to finish the National Program.

Macdonald made it clear that any changes now being considered would not come into effect until September of 1983 at the earliest and, moreover, would not affect students presently enrolled. The National Program began in 1967 with the introduction of the LL.B.. Several factors might be pointed to in explaining its origin. 1967 corresponded to a time of declining anglophone population in Québec and the general recognition that it would soon become virtually impossible to practise law unilingually in English in Québec. Furthermore, Montréal was no longer the pre-eminent commercial centre of Canada and it was becoming increasingly clear that the lingua franca of North American commercial law was the common law. McGill's particular relation to the Québec community was less and less that of the "place to go" to make the right connections. And the transformation of the educational system in Québec from cours classiques to the CEGEP, together with the "McGill français" movement, provided additional reasons for the school to re-think its response to the educational milieu at McGill and Québec at large.

Over the past decade, the size of the pool of candidates has increased remarkably. There are now over twice as many students seeking admission to the Law School as there were in 1968.

According to Prof. Macdonald, there were, in general terms, three models of the National Program put forward at the time of its inception, and these three models remain the axes around which discussion of change takes place.

The first was that McGill would not teach LL.B. or B.C.L. courses but would, rather, teach "law". Thus, instead of having separate Family Law courses, for example, one would have a course on Domestic Relations, and teach its particular application in, say, Philadephia, Kingston, and Québec City.

It was objected that no one could teach such courses and that students would not be equipped to learn them. Furthermore, the connection between such a scheme and the legal profession was thought intangible.

The second model, which was in the end adopted, was to have two streams, B.C.L. and LL.B., which would not overlap except where there was an area of law which had federal impact. However, having to determine what courses were to be "national" insured that the school would be forced to work out, in microcosm, the dilemma of ss. 91 and 92 of the BNA Act when distinguishing "national" from "provincial" courses.

The third model presented by those in favour of a National Program was that every student would be presumed to come for four years to receive both degrees. The objection that was raised against this suggestion was that the number of people interested in such a program would not be adequate to sustain the program thus established.

Over the years, it has been apparent that certain groups of students have expressed a greater interest in obtainin both degrees than others. Most anglophone B.C.L. students go on to complete their LL.B., for example. Most LL.B. students, especially those from outside Québec, do not receive their B.C.L..

Macdonald suggested that analysis of student programs would lead to the conclusion that the National Program was not working as well as it might. Of course, it is true that some students will only want a ticket to get out of law school after three years, but it was suggested that perhaps a more attractive National Program might induce a higher proportion of students to finish it. Thus the second degree should not put the student in the position of returning to "square one"-- introductory courses— after three years. Furthermore, the second degree should not be a "second-class" degree that is picked up in bits and pieces.

It was on these bases that Macdonald attempted to set out the various suggestions. He noted that these were not as radical as they might look but rather represented a re-shuffling of the present program.

In response to a question from Rick Elliott, Macdonald emphasized that there was a wider academic issue at stake in the deliberations over the National Program: "We have a university which is part of a unique intellectual and social community in Canada. It has the capacity to be responsive to the law for everyone in the country and to the 20th century commercial economy." The practical significance of a second law degree is like that of being bilingual. It allows one to be aware of assumptions. That the same idea can be conceived within different terms sheds a lot of light on what is presupposed when an idea is conceived just one way. And, in practical terms, a

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Are there too many lawyers?

BY H. PATRICK GLENN

On November 12 and 13, I attended a conference on access to the legal profession sponsored by the Canada-U.S. Law Institute at the University of Western Ontario. The conference was called in response to complaints by members of the Ontario Bar of overproduction of lawyers by Ontario law schools, and in response to the creation in April of this year by the Law Society of Upper Canada of a "Special Committee on Numbers in the Profession". What follows are notes from that conference.

Roger Yachetti, Chairman of the L.S.U.C. "Numbers" Committee, presented the view of a "substantial majority" of the Ontario Bar that controls on access to the profession would be beneficial both to the public and to the profession. He spoke of "substantial underemployment" in the profession, indicated by significant lawyer reliance on legal aid and a high percentage of sole practitioners (16% of those called in the last five years). This resulted from the Ontario Bar doubling in size in the last decade, from 7,500 to 15,000. Though no study has been undertaken of legal needs in Ontario, he feared further underemployment in a projected Bar of 20,000 in 1986. This increase in numbers led to a decline in "professionalism", indicated by increases in disbarment, errors and omissions insurance claims, claims against the Special Compensation Fund and by the loss through job pressure of junior/senior practicing relationships. To prevent the profession being destroyed through "glut" he urged co-operation by all parties and suggested the following possible remedies:

(1) reduction by 25% of admissions into law schools; (2) restrictions on entry into the Bar Admission course; (3) educating university undergraduates on the risks of a legal career. He reminded the conference, however, that the present position of the L.S.U.C. was one of opposition to any such controls.

A number of speakers from other disciplines suggested contrary conclusions. Rodney White (Trent University; Sociology of the Professions) questioned the equation of expressed demand for legal services with the real need for them. The latter could be substantially greater than the former. The appropriate number of lawyers could only be determined by asking what functions lawyers should perform in the State. He suggested an emerging "public model" of the professions (one immediately responsive to needs of the public) as opposed to a hitherto prevailing "scientific model" (in which a professional elite acts as distributor of scientific data and advice).

Curtis Cole (University of Western Ontario; History), examined the growth in the Ontario Bar from 1881-1936. Though substantial variations in the growth rate occurred during this period, there was no concern expressed about overcrowding in the profession. He suggested that this was due to a shift in

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Solidarity — A Labour Union?

BY ELIZABETH SZEREMETA

Dr. Wieslaw Chrzanowski, Professor of Law, University of POZNAN, Chief Legal Counsel to Solidarity, gave a talk on Friday, October 30, at 7:00 p.m. in Room 129 of the Education Building at McGill University in Polish.

Dr. Chrzanowski began with a discussion of the history of solidarity. The original plan was to have a national association or organization which would attract membership from all classes of society. This proposal was rejected by the Polish government. However, the Communist party put forward a counter-proposal suggesting, instead, that a union be established with headquarters in GDANSK, and with small branch organizations across the country, each functioning independently of the other. The true initiators of the movement, (a group of 12 to 15 university professors), realized that only a united national movement would be able to mobilize a force strong enough to oppose the government. Therefore, they decided, as an alternative, to form a labour union capable of expanding to represent the interests of workers throughout the country.

Dr. Chrzanowski briefly outlined the structure of solidarity: the Polish government, by operation of the relevant clauses in the Constitution as well as the GDANSK agreements, established solidarity as an adminstrative organ. All policy matters are decided by a handful of Solidarity officials, and guidelines are regularly sent out to all regional branches. The largest, and by far the most powerful, is the branch representing the MAZOWSZE region of which Dr. Chrzanowski is a member. Although, by virtue of the above-named statutes, Solidarity is prohibited from carrying on any political activities, nevertheless it can do little else by virtue of its position vis-a-vis the government. To explain this statement further, it is necessary to probe a little into the role of the government since 1949.

For almost 32 years, the government has been the sole collector and administrator of public information. Ranging from such widely-divergent programs as the 6-year-plan to family planning, there has been only one official point of view for every conceivable subject. Consequently, Solidarity, by ex-

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comment

Walkouts: the politics of symbolism

Like the Canadian dollar, the politics of symbolism has lost much of its purchasing power. So we are apt to find that this week's walkout and protest, as currently planned, are not likely to influence either the appropriate governments or, as importantly, the public imagination. Such an outcome is not inevitable. But to avoid being ignored, protesters must do their homework and not just engage in protest.

Our claim, like others, is on the pocketbooks of Canadian and Québec taxpayers. They have a right to know where their tax dollar is going and for what purpose. They particularly have a right to know this if the issue is put in the context of money spent on education and thus money not spent on hospitals, social services, or other valid expenditures.

One argument that will not wash is that education is a right. It particularly will not wash in the case of professional schools like our own where the great bulk of entrants end up in the private sector.

But two broad paths of argument can be developed. Either one, but preferably both, can provide a serious basis for defending education to the taxpayer. One tack is to show what public benefits are obtained through the maintenance of educational facilities such as McGill. The benefits may not be obvious but they are there and should be catalogued. Part of the difficulty in identifying the benefits of education is not the fault of universities at all. Governments have failed to see the integral role of education in economic development and national wealth. Errors of this sort should be identified as well.

The second tack to be taken is to examine the pattern of spending of the current government. Here, the standards of efficiency and equity can be turned back on the government itself. Have the cuts ordered by the government been sensible? Do they serve broad interests of Québec, or are they tuned to special interests? Clearly, to avoid the rebuttal that such a line of attack may simply represent another special interest,this second argument should be put in terms of the first — the benefits of public funding of education.

A tall order, you say. No doubt. Without it, however, we are little distinguishable from other interests except perhaps for our greater degree of self-interest. Compare our demands with those of hospital or social service protests. Moreover, taxpayers should be able to expect exactly the kind of analysis I have described from educators and their students.

ALAN ALEXANDROFF LLB1

Charters of Rights: the American experience

Rome was not built in a day and neither was Canada. For 114 years, Canadians have been building a nation which is reaching its final stage of development. And one of the most important of these stages is the entrenchment of a bill of rights.

Just how important is this? Entrenchment means that these rights are unalterable. The freedoms themselves form the basic beliefs of a society. They are society's underlying philosophy, the cornerstone of its civilization. They are the principles by which those who are governed will allow themselves to be governed. And the bill is a living document which must transcend time. Therefore it must be carefully drafted for its defects can lead to defects in society.

Santayana said that those who forget the mistakes of the past are doomed to repeat them. So as Canadians we should turn to other countries which have an entrenched bill of rights. The closest and most analagous situation is probably that of the United States.

The U.S. Bill of Rights is entrenched. It is a series of amendments to the constitution but for all practical purposes it has become unalterable. The basic freedoms of Americans were not from birth readily definable. Through litigation and interpretation each fundamental freedom has reached a point of development some further and some not as far as others. For example, freedom of speech which the First Amendment protects has been held not to be a defense when it endangers transports at sea in a time of war (Near v. Minnesota 283 U.S. 697 (1931)). This is contrary to the literal or absolutist interpretation of the First Amendment. There are many other examples of this nature. So what exists then is not a definite interpretation of the Bill of Rights from its inception but rather a development process which allows for each article to be defined further. Even to this day there is room for interpretation of these freedoms. Some 190 years after the first ten amendments were passed there is still the justiciable question as to whether the Second Amendment allows for citizens to carry guns. Therefore, in Canada we should be prepared for interpretation of the rights granted in the Charter. Courts will have to apply clauses such as "due process of the law" or "shall not abridge" to circumstances and facts. That is, are they absolute? Or can the freedoms

be abridged in certain circumstances? The Supreme Court of Canada will be the final arbiter on this.

So once intrinsic rights have been granted then they have to be developed from the highest authority which must be the Supreme Court. Throughout the American experience this interpretation has been accomplished in two ways. The first method requires that good cases be brought forth. A good case is one which enables the Court to provide an interpretation of the right so that no more clarification is needed. It is the type of case which brings forth a situation which most can agree that the founding fathers were trying to ensure against by providing a Bill of Rights. These cases usually become landmark cases and rightly so since they become the last authority on that particular set of facts in relation to the freedom involved. An example of this would be Brown v. Board of Education of Topeka 347 U.S. 483 (1954). Here the case was of such a unique nature that the Warren Court was able to overturn the "separate but equal" interpretation given the Fourteenth Amendment's due process clause in Plessy v. Ferguson 163 U.S. 537 (1896). It is this type of case which usually transforms the state of the society and Brown was no exception. So in Canada one hopes we will be able to find good cases which can make good law and enable the Supreme Court to develope the freedoms granted in the Charter.

The other method of interpeting the Bill of Rights has been through the use of sources. Here the Court has turned back to the discussions of the First Congress and to the authroity of principal works such as the Federalist Papers. When the Court turns to sources it is seeking an interpretation of the Right in question which is as close as possible to the intentions of the founding fathers. This usually occurs with rights which are quite fundamental and intrinsic to the basic freedom of a democracy. A good example of this is Wesberry v. Sanders 376 U.S. 1 (1964), where the Court looked to the records of the Constitutional Convention to see to what degree the principle of "one man one vote" applied. The principle was held to apply here in light of the due process, equal protection, and privileges and immunities clauses of the Fourteenth Amendment. In Canada there is quite a likelihood that this method of interpretation will not often be used since not many records exist.

Those are the two methods of interpretation which the U.S. Supreme Court has used upon its Bill of Rights. What has also happened is that through the interpretation and development process of the Bill of Rights there has also been a categorization of these rights. For example, it is said in the United States that the First Amendment because of its importance occupies a "preferred position". Rights are ranked in accordance with their importance so that the infringement of one is more dangerous than another but yet no less important. Canadians can draw from this American experience in that there might be a ranking within the Supreme Court as to which rights are more sacred.

This at best can only be a superficial discussion of what can be learned from how the United States Supreme Court has dealt with the Bill of Rights. What has happened in the United States may very well happen here in the future so there is the possibility of learning from the American experience. Whether the Canadian Charter of Human Freedoms will be handled the same way by our Supreme Court has yet to be seen.

Demetri Xistris BCL I

COME OUT ON FRIDAY !

You've all seen the propaganda by now. Cutbacks are being threatened and they will hurt. It's not just our successors who will be affected, but we ourselves will feel the effects. Before it's finished another 25% of our budget will go down the tubes.

So your L.U.S. Council voted unanimously to support the protest on Nov.20. And you yourself, in your General Assembly, voted massively to walk out that day. On the strength of that our Faculty Council voted - also massively - to cancel classes so that we can show some solidarity on a common problem.

Every decision-making body in this Faculty has therefore given this protest its blessing. There is no doubt that we law students are the leaders. The Faculty societies are following us, and the other universities are following McGill. The vote taken at the General Assembly was a make-or-break proposition for the Students' Society as a whole. We have been seen as the powerhouse in this affair, and so we are.

On Friday, Nov. 20, there will be no classes, but there will be a protest, and it needs you to work. You could just blow the whole thing off and get some extra sleep, or decide studying is more important or that the General Assembly doesn't count for you.

But don't. Buy a button and join the march. This Government will only react to political pressure, and that's what Friday is all about.

Campbell Stuart

QUID NOVI is published weekly by the students of the Faculty of Law of McGill University. Opinions expressed are those of the author only. Contributions are published at the discretion of the editor and must indicate author or origin.
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pressing opinions which conflicted with official government policy, immediately set itself up as the people's second source of information. From there it took just a short step to become the favoured voice of a significant segment of the population. Numerous pamphlets were distributed as more and more workers seized the opportunity to express opinions that had been suppressed for many years. Outrageous acts committed by the government could now be investigated and reported to the community at large.

Here are a few examples: a trainload of Polish Army uniforms destined for the U.S.S.R. was intercepted by Solidarity members just a few kilometers from the border. Another trainload of cars labelled "paint" was intercepted after it was found that these cans, in fact, contained meat destined for the U.S.S.R. Successful investigations like these only served to encourage the growing popular belief that Solidarity would one day become the national voice of the people, not just a labour movement.

As a matter of fact, when asked if Solidarity had any ideas for the future, Dr. Chranowski replied: "We would like to see Solidarity become an umbrella organization unit with a strong infra-structure of, for example, social, cultural, and educational associations." However, he pointed out that before this could happen, and, for that matter, before Solidarity as a "labour union", could find itself in a position to propose and implement significant reforms, extensive training of the more important Solidarity officials would be necessary. Most Solidarity officials rely heavily on statutes telling them what they can do. Everything not expressly enumerated is absolutely prohibited. Consequently, when these young Solidarity members are now faced with statutes which tell them only what they cannot do and little or nothing about what powers they do have, an appreciable amount of psychological adjustment is necessary in order to cope with this new-found power. Even though more experienced lawyers are acting in an advisory capacity, clearly these efforts are insufficient to overcome the inexperience of those who implement the policies.

Serious attempts are being made to acquire some insights using a compatible approach. France, especially, has been most co-operative in supplying gems of wisdom acquired within its jurisdiction. However, there is a formidable difficulty with this approach: few Polish workers have studied a foreign language other than Russian, so there are language barriers to overcome.

One tell-tale sign that Solidarity is not just another labour union is its close association with the Catholic Church in Poland. Before the birth of Solidarity, the Church continually advocated policies inimical to the policies of the State government. However, the Church did not play an overly political role, as such a course of action might jeopardise whatever religious freedom the people already enjoyed. When Solidarity was created, there was nothing to stop the Church from acting in an advisory capacity. Virtually all long-range objectives and strategy continue to be discussed with high-ranking clergy.

In recent weeks, conflicts between Solidarity and the Polish government have become very serious. As tensions mount, the hitherto undecided portion of the population has felt the need to declare where their loyalties lie. As a result, Solidarity membership has greatly increased, with some new members being government officials — all this in spite of government-induced food shortages and false propoganda.

The Polish government has launched a desperate campaign to split up Solidarity into several autonomous groups (i.e. by negotiating separately with each group or by refusing to recognize certain regional branches). However, for the most part, the government has been unsuccessful because Solidarity itself, has set up a system of checks and balances, which, for reasons of security, are best left unexplained.

In summary, the Poles are pushing forward. As mentioned above, the number of Solidarity members increases every day. Entire villages have signed up.

Dr. Chrzanowski ended by saying: "The strongest form of pressure for political reform is the force of public opinion. If we have any choice in the matter, there will be no war."

COURSE INFORMATION

THE (REAL) LEGAL CLINIC COURSE

Check your Faculty of Law calendar under "496-046A or B Legal Clinic" and you will find that it is possible to work in a clinic for a term and get two credits for it "provided that such clinic has received the approval of the Dean". Essentially the idea is that the student himself open the negotiations with the Attorney-General of the clinic, settling such things as times and types of work, method of evaluation and the like. The tentative agreement reached thereby would then be subject to the Dean's approval.

There is, however, only one clinic left on the Island of Montreal, and only two in the region. They seem to be dying away with the growth of the Legal Aid offices.

In order, therefore, to increase our resource base, the Dean agreed this summer to include the Legal Aid offices in the definition of the course. Since that time volunteers have been at work contacting the offices in the area to see if they would be interested in the idea. Quite a number seem to be.

Associate-Dean Macdonald has also taken the time to compose a form to help the initial negotiation between students and Directors. It covers the elements that will guide the Dean's ultimate decision, and is available at S.A.O.

By the end of this week a list will be posted of the Legal Aid offices which are interested in entering negotiations with a student. Please note, however, that the onus of establishing your program rests on you alone. So far we have only surveyed the resources.

Finally, I would like to thank those who did the follow-up work: Steve Hamilton, Philip MacAdam, Anne-Marie Veilleux and Christine Vinet.

Campbell Stuart

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ing to facilitate the student demonstration, they should go all the way and join the walkout.

Professor Jane Glenn expressed concern that the protest might be uniquely anglophone as neither the Université de Montréal nor the Université de Québec had yet committed themselves to the walkout. She cautioned that this is not the time for the anglophone universities to be maintaining a high profile.

In spite of minor reservations as to the effectiveness of the demonstration, Faculty voted solid support for the spirit of the project.

Marek Nitoslawski moved that the "Council prepare a statement opposing the Avis of the Office des Professions and proposing a compromise taking into account the concerns expressed by that body."

Dean Brierly informed the Council that he would be preparing a statement addressed to the Office des professions in response to their Avis. There was preliminary discussion of the position to be taken in the statement. Nitoslawski thought the brief should present a possible compromise taking into account the objectives of the Office such as elimination of costly duplication. Professor Grey viewed this "attempt to bring government further into our lives" unworthy of much consideration.

The motion was tabled until the report of the Dean and that of the students is ready, at which time they can be compared. Nitoslawski noted that the purpose of the motion was not to press faculty to take a stand but only to stimulate discussion on the question in Faculty Council.

Helena Lamed presented a motion that "an ad hoc committee be established to present a revision of the current course evaluations". Lamed pointed to problems of lack of clarity and accessability of the information gathered under the present course evaluation, which has been in use for three terms. The statistics gathered do not give a clear picture of courses and students want more comprehensive results from their evaluations. She proposed a committee of 2 students and 2 Faculty members be formed to study the matter and report to Faculty Council no later than February 11, 1982.

Many professors concurred readily in Lamed's criticisms and suggestion for revisions. Professor Wade identified some faults in the current system: the statistics are difficult to interpret, and have in some cases been incorrectly compiled; some questions are redundant while others attempt to evaluate pedagogical goals unlike any he seeks to achieve in his classes. The motion passed easily, leaving the Dean to appoint members of the committee.

Professor Crépeau read a prepared statement into the record complaining of the way policy — and budgets — are determined by the Dean. Crépeau had earlier requested that the Dean arrange a meeting with Faculty Council, Principal Johnston and Vice Principal (Academic) Freedman to discuss the direction of the Faculty especially in the teaching of the Civil Law. However, a memo of October 28 from the Dean indicated to Crépeau that no such meeting would be convened -- and thus suggested to him that no consultaton with colleagues, or exchange of views would take place before the budget is decided upon. Crépeau's statement to Faculty Council decried a deviation from a traditional policy of collegiality within the Faculty.

Other matters brought up by Faculty included a motion by Professor Haanappel on behalf of the Examination Board and a report by Associate Dean MacDonald for the Curriculum Committee. The proposal of the Examination Board was that the academic record of a student show the median grade of the class alongside the grade obtained by the student. The basis of the median grade will exclude grades received by graduate students and grades received in supplemental exams. The inclusion will serve to offset the effect, in the job market, of relatively lower grades received at McGill Law Faculty as compared to all other Law schools. The motion passed after it was established that the students were in favour of the change.

With only twenty minutes remaining in the meeting, the Associate Dean initiated discussion of certain course changes that will be proposed by the Curriculum Committee. However, when the first point -- replacement of the two introductory Common Law Property courses with a single 6 credit course — raised a number of pedagogical difficulties, it was decided to postpone the discussion until a Faculty meeting the following Thursday.

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the nature of private practice; litigation diminished in relative importance in the face of increased consultation and advising. It was therefore incorrect to assume that growth in the profession implied increased competition and a reduction in quality; adaptability in the profession was also a factor.

David Stager (University of Toronto; Economics) compared the growth of the legal profession since 1931 with growth rates of the economy during the same period. He did so because in his view increases in demands for legal services are closely linked with increases in the G.N.P. Programs of legal aid and prepaid legal insurance were described as "secondary". In the 1960's the profession grew at an average annual rate of 4% while annual real economic growth (and thus arguably the demand for legal services) grew at a rate of 7.5%. In the 1970's the figures were reversed, with lawyers increasing annually by 6.4% and economic growth at 2.7%. This had the effect only of re-establishing the equilibrium lost through underproduction of lawyers in the period prior to 1970. Even accepting conservative estimates of economic growth for the next decade, he felt the demand for legal services might well exceed the supply.

Allen Leal (Ontario Deputy Attorney-General) stated that the raison-d'être for the creation in the 1950's of Ontario university law schools was that the profession was under-populated. He was not concerned "in planning terms" with the 4% unemployment rate of Ontario lawyers recently indicated in the Huxter report (See (1981) 15 L.S.-U.C. Gaz. 169). He stated that of 1018 persons called to the Ontario Bar in 1981, 108 had received their law degree in Manitoba, Quebec or the Maritimes, and of these 69 were

from Quebec. Though this figure of 10% "outside entry" was a significant one, any change in this regard would involve "some very important value judgements". Many distinguished present members of the Ontario Bar have come from outside the province. He also advised that: "Politicians love to open law schools; they hate to close them". Any change would therefore be disguised and in the form of "fudged funding".

Lawson Hunter (Director of Investigation and Research of the Federal Bureau of Competition Policy) stated that there was now "no evidence to suggest" a surplus of lawyers in Ontario. Even if some underemployment were shown to exist he did not believe this was contrary to public interest, since it could not be shown that increased competition led to questionable practices or reduced ethical standards. In any event, traditional disciplinary measures were available to deal with such problems.

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lawyer who is not aware of his presuppositions is the victim of them.

Macdonald made clear, in response to questions from Nick Kassirer and Todd Sloan, that the present program allowed students to take courses in the order outlined in the suggested changes. At present, the catalogue's order of courses is only advised, not compulsory. Furthermore, the Faculty was prepared the entertain the possibility of having separate sections of introductory courses for upper year students within the present arrangement.

In sum, Prof. Macdonald recognized that structural changes do not of themselves improve the quality of education. Teachers and students, not institutional arrangements, are the final measure of that. But the potential of the National Program to to become McGill's particular contribution to legal education in Canada could be advanced by such changes. Whatever the result of the present "identity crisis", Macdonald felt that one thing was certain: "There will always be a McGill Law School, even if we don't know what future academic programs will be like."

*** C O M I N G E V E N T S ***

Thursday, November 19

Pre-Exam Party
Union Ballroom from 20:00 to 1:00.

Friday, November 20

Cutbacks Walkout Schedule

A. UNIVERSITY LEVEL TIMETABLE

10:00 John Armor, V.-Principle Finance. "The Cuts and the McGill Student."
-Union Building

1:00 Funeral Procession from Union to Roddick Gates. Eulogy for lost professors, students, courses, etc.

11:00 Harvey Weiner of C.E.Q. Vaughn Dowie of Ville Marie Social Services. "Cuts and the Québec Citizen."
-Union Building

2:00 Demo / March from Roddick Gates to Réné Levesque's office at Hydro Québec. Montréal Universities will participate.

B. FACULTY - LEVEL TIMETABLE

10:00 to 12:00 1) Speakers: on the future effects of cuts on the Faculty of Law. 2) Workshop: To prepare a document detailing the irrationality of the cuts and outlining the case for a higher priority for education.

L.U.S. ANNOUNCEMENT

PLANNING A MEETING OR EVENT?

If you want to have a good turnout at your event or meeting please follow these procedures to avoid conflicts (and to avoid being called rude names by the organizers of conflicting events).

First off check the blue agenda binder in the L.U.S. office for an open slot. If there is something tentatively scheduled already in the time you want, the onus is on you to find the organizer to get the final word. If you get past that, just write the name of the event, its locale, and your name. If it is "to be confirmed" say so. The time is now "yours".

You can reserve the room at S.A.O.

Finally, there is a "calendar of events" poster in the cafeteria, to the right as you go in. Take the stamp from the L.U.S. blue stationery cabinet, stamp the appropriate day, and fill it in. This lets people know what's happening of general interest and lets them know everything that's going on on a particular day. Bingo! Rational, centralized, non-conflicting events publicity. And you did it all yourself.

Oh yes: please return the stamp to the cabinet as soon as you are finished. Thank-you.